

**Notice of Allowability****Application No.**

09/500,698

**Examiner**

KRISTIE D. SHINGLES

**Applicant(s)**

BULKOWSKI, BRIAN

**Art Unit**

2141

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/27/2008.
2. ☒ The allowed claim(s) is/are 1,3,4,6-35,39,41-48 AND 50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/William C. Vaughn, Jr./  
SPE, Art Unit 2144

**DETAILED ACTION**

**Per Applicant's Request for Continued Examination**

Claims 2, 5, 36-38, 40, 49 and 51-55 have been cancelled.

Claims 1, 22, 31, 39, 42 and 48 have been amended.

Claims 1, 3, 4, 6-35, 39, 41-48 and 50 are pending.

Claims 1, 3, 4, 6-35, 39, 41-48 and 50 are allowed.

**Continued Examination Under 37 CFR 1.114**

**I.** A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/2008 has been entered.

**Response to Arguments**

**II.** Applicant's arguments (see Remarks pages 13-23 filed 5/27/2008), with respect to independent claims 1, 22, 31, 39, 48 and 50 been fully considered and are persuasive. Therefore the rejections of the pending claims have been withdrawn.

**Examiner's Amendment**

**III.** An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

**IV.** Authorization for this Examiner's amendment was given in a telephone interview with Atty. Gregory S. Bernabeo on August 1, 2008. Please make the following changes:

**In Claim 1:** On the line 1, between "method" and "for", insert—*implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor*—.

The preamble should now read: "A method implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor for receiving data via multiple channel broadcast media, comprising:"

**In Claim 22:** On the line 1, between "method" and "for", insert—*implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor*—.

The preamble should now read: "A method implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor for receiving data via broadcast media, comprising:"

**In Claim 31:** On the line 1, between "method" and "for", insert—*implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor*—.

The preamble should now read: "A method implemented on an apparatus having at least one processor and at least one memory coupled to said at least one processor for organizing data for transmission via broadcast media, comprising:"

#### **Reasons for Allowance**

**V.** This communication warrants no Examiner's reason for allowance, as Applicant's reply

makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of Applicant's comments in the Remarks filed on 5/27/2008 with respect to the claimed limitations, "obtaining from said table a plurality of second-level names associated with said first-level name, each of said plurality of second-level names being associated with a respective low-level data objects, a retrieval priority for said low-level data object being set by a content provider by ordering said second-level names in said data structure; obtaining location information associated with said second-level names via a first broadcast channel, said location information identifying at least two of multiple broadcast channels for carrying data associated with said low-level data objects; and retrieving an associated low level data object for each second-level name, said low level data objects being retrieved in an order corresponding to the order in which said second level names are arranged in said data structure" (supported in Applicant specification pages 8-12), sufficiently present the reasons claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement of an Examiner's reason for allowance is necessary (see MPEP 13202.14).

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

**VI.** Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie D. Shingles***  
***Examiner***  
***Art Unit 2141***

***/KDS/***

***/William C. Vaughn, Jr./***

Supervisory Patent Examiner, Art Unit 2144